REMARKS

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Claims 1-26 remain pending. Claims 1, 9, and 15 are independent.

§ 103 REJECTION – HOFRICHTER, AIZU

Claims 1-26 stand rejection under 35 USC §103(a) as allegedly being unpatentable over Hofrichter (WO 02/37217 A2) in view of Aizu (US Patent 6,839,978). Applicants respectfully traverse this.

First, Applicant maintains all traversal arguments made in the Reply filed on July 7, 2005.

In addition, it is clear that modifying Hofrichter with Aizu renders Hofrichter unsatisfactory for its intended purpose. For a §103 to be proper, one of the requirements is that the cited reference must be considered in its entirety. *See M.P.E.P. 2141.02.* If the proposed modification renders the cited reference unsatisfactory for its intended purpose, then by definition, there is no suggestion or motivation to make the proposed modification. *See M.P.E.P. 2143.01.*

In this instance, Hofrichter is directed toward a system and method for downloading multimedia content and applications for a home network. *See*

Hofrichter, page 1, lines 12-14. The applications and multimedia are intended for consumer electronic devices that process audio/visual data including digital televisions, personal computers, audio devices, personal video recorders, digital video recorders, game devices and the like. *See Hofrichter, page 1, lines 16-22.*

For a network that includes these types of devices, it is required that the network has sufficient bandwidth capacity to deliver the audio and visual data to the devices. Hofrichter specifically teaches two examples of high speed networks – one that adheres to the HAVi (Home Audio Video interoperability) standard which operates at speeds upwards of 400 Mbps and one that adheres to the USB (universal serial bus) standard which operates at speeds upwards of 12 Mbps. *See Hofrichter, page 5, line 29 – page 6, line 4.* Hofrichter states that any connection providing "adequate quality of service for commands and streams of digital AV content" may be implemented.

In contrast, Aizu specifically indicates that PLC (power line communication) is used for the network. *See Aizu, Figure 1; column 5, lines 38-43.* It is clear that Aizu is directed gathering data on entirely different types of devices. As an example, Aizu is merely concerned with gathering the amount of electric power consumed by home appliances such as a refrigerator, air conditioner, hot water heater and the like. *See Aizu, Figure 1.* As illustrated in Figure 2, all devices of the network – the controller 1, the display

terminal 2 and the appliance 3 – each include an electric power line communication unit 7, 14, 16.

When considered in their entirety, that Hofrichter cannot be modified by Aizu as suggested by the Examiner. If the modification is performed, the network of Hofrichter would not have the sufficient bandwidth nor the reliability required to provide multimedia content, and thus would render Hofrichter unsatisfactory for its intended purpose. Therefore, Hofrichter cannot properly be combined with Aizu and any rejection based on the combination of Hofrichter and Aizu is invalid.

Also in the Final Office Action, the Examiner alleges that Hofrichter discloses a system that reads logs files to determine the history of use in a home network. *See Final Office Action, Response to Arguments, page 3, lines 20-22.* The Examiner recognizes that Hofrichter cannot teach or suggest specifying how the log files of the history of use of the devices are generated. *See Final Office Action, Response to Arguments, page 4, lines 7-8.* The Examiner attempts to cure this deficiency of Hofrichter by alleging that Aizu discloses a display terminal device that collects a predetermined data – amount of electric power consumed by an appliance – at regular intervals. *See Final Office Action, Response to Arguments, page 4, lines 9-18.*

However, it is noted that the log files as disclosed in Hofrichter and the predetermined data collection as disclosed in Aizu are incompatible. Hofrichter discloses that the log files contain information regarding applications and media contents previously used in the home network system. *See Hofrichter, page 12, lines 23-25.* In contrast, Aizu merely collects information regarding amount of electric power consumed by an appliance – such as air conditioner, refrigerator, hot water supply device and the like (*see Figure 1 of Aizu*). In other words, the types of data collected by Hofrichter and Aizu are completely different. This is more evidence that Hofrichter and Aizu cannot be combined as the Examiner suggests.

Since Hofrichter and Aizu cannot properly be combined, the rejection of claims 1-25 based on Hofrichter and Aizu cannot stand. For at least the reasons stated above, Applicant respectfully requests that the rejection of claims 1-25 based on Hofrichter and Aizu be withdrawn.

EXAMINER IMPROPERLY IGNORES RECITED FEATURE

Regarding claims 7 and 14, the Examiner simply ignores the feature as recited. For example, claim 7 recites "wherein the memory cumulatively stores the operation status data included in each response signal, regardless of whether a message BLOCK function of the master device is currently activated

or not." It is clear that both Hofrichter and Aizu are completely silent regarding the BLOCK function at all. Thus, Hofrichter and Aizu cannot teach or suggest the recited feature alone or in combination.

However, the Examiner completely ignores the recited feature. The Examiner alleges that the possibility of the BLOCK function being activated has no real bearing in the storing of appliance operation status by the system. *See Final Office Action, Response to Arguments, page 6, lines 2-5.*

M.P.E.P. clearly requires that to establish a *prima facie* case of obviousness, the references "must teach or suggest **all claim limitations**." *Emphasis added; see M.P.E.P. §2143.* Indeed, M.P.E.P. states "**All words in a claim must be considered** in judging the patentability of what claim against the prior art." *Emphasis added; see M.P.E.P. §2143.03 quoting In re Wilson, 424 F.2d 1382, 1385.*

It is clear that the Examiner failed to consider "all words in the claim" as required. Therefore, the Examiner failed to establish a *prima facie* case and claim 7 and 14 are patentable over Hofrichter and Aizu on their own merits.

CONCLUSION

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in

condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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